

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-18 and 20-32 remain pending. Claims 1, 6, 12, 20 and 27 are independent.

**A. ALLOWABLE SUBJECT MATTER**

Applicants appreciate that claims 22, 23, 29 and 30 are indicated to define allowable subject matter.

**B. § 112, 2ND PARAGRAPH REJECTION**

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Independent claim 1 is amended to clarify that layers 1 and 2 refer to OSI layers. Claims 20, 21, 27 and 28 are similarly clarified. The scope of the claims remain unchanged. Applicants respectfully request that the Section 112, second paragraph rejection of claims 1-5 be withdrawn.

**C. DOUBLE PATENTING**

Examiner provisionally rejects claims 1, 4 and 6 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 2 and 6 of co-pending Application No. 10/584,136. Applicants

respectfully request that the provisional rejection be held in abeyance until at such a time the claims of the co-pending applications are in fact allowed.

**D. PATENTABILITY OF THE CLAIMS**

In the Office Action, the Examiner rejects:

- claims 20, 21, 26-28, 31 and 32 under 35 U.S.C. § 102(e) as allegedly being anticipated by Billhartz (U.S. Publication 2003-0202476);
- claims 1, 5-8, 11-14, 17 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Billhartz (U.S. Publication No. 2003/0204587) in view of Jain (U.S. Patent 7,373,543);
- claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Billhartz in view of Jain, and further in view of Kuszmaul (U.S. Patent 5,111,198);
- claims 3, 4, 9, 10, 15 and 16 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Billhartz in view of Jain and further in view of Boaz (U.S. Publication No. 2008/0048883);
- claim 24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Billhartz in view of Jain; and
- claim 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Billhartz in view of Jain, and further in view of Boaz.

All prior art rejections are respectfully traversed. Billhartz does not anticipate claims 20, 21, 26-28, 31 and 32. Billhartz shows a method for

determining a route from a source node to a destination node in a mobile ad hoc network. Billhartz refers to a Quality of Qervice (QoS) route metric, which includes a QoS parameter. The QoS parameter is based upon available bandwidth, error rate, end-to-end delay variation, hop count, expected path durability, and/or priority. *Billhartz, [0032]*. The QoS metric does not include any information about future link status. Billhartz uses a QoS Route Request (RREQQ) message. Such message discovers routing to destination based on a QoS parameter.

In a direct contrast, invention as claimed in claim 20 uses a Route Request (RREQ) message. The RREQ message includes several key pieces of information: the source, the destination, the lifespan of the message, and a Sequence Number which serves as a unique ID. RREQ is not based upon a QoS parameter. Thus, Billhartz and claim 20 use different types of route requests. This is also valid for RREPQ message in Billhartz versus the RREP message in claim 20.

For at least the reasons stated above, independent claim 20 is distinguishable over Billhartz. For similar reasons, independent claim 27 is also distinguishable over Billhartz. Claims 21, 26, 28, 31 and 32 are distinguishable over Billhartz by virtue of their dependencies from independent claims 20 and 27 as well as on their own merits.

Jain and Boaz, individually or together, do not correct the deficiencies of Billhartz. Therefore, independent claim 20 and claims 24 and 25 dependent thereon are distinguishable over any combination of Billhartz, Jain and Boaz.

Claims 1, 5-8, 11-14, 17 and 18 are distinguishable over Billhartz and Jain. As noted in previous Responses, Jain relates to solving a problem of recovery from a breakdown of a path for supporting data streams traversing a network. Jain only describes recovery from a path breakdown by sending copies of a packet on several paths for a general computer network. It is not adapted for ad hoc networks as indicated in independent claims. Thus, a person skilled in the art would not get any indication from Billhartz to look at a document such as Jain, which is not at all related to ad hoc networks. Further, Jain is not adapted to a dynamically changing network topology such as ad hoc networks. Present disclosure describes the differences between ad hoc and ordinary static networks. *Jain, background*. It is clear that it is not at all obvious to combine Billhartz with Jain.

For at least these reasons, independent claims 1, 6 and 12 are distinguishable over Billhartz and Jain. Claims 5, 7-8, 11, 13-14, 17 and 18 are distinguishable over Billhartz and Jain by virtue of their dependencies from independent claims 1, 6 and 12 as well as on their own merits.

Kuszmaul and Boaz, individually or together, do not correct the deficiencies of Billhartz and Jain. Therefore, independent claim 1, 6 and 12 as

well as claims 2, 3, 4, 9, 10, 15 and 16 dependent thereon are distinguishable over any combination of Billhartz, Jain, Kuszmaul and Boaz.

Applicants respectfully request that the rejections of claims based on any combination of Billhartz, Jain, Kuszmaul and Boaz be withdrawn.

#### **E. CONCLUSION**

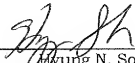
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Hyung N. Sohn  
Reg. No. 44,346

HNS/edg  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100